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To: Examiner Jaydi A. Aguirrechea Fax No. (703) 872-9318
From: Stephen P. Burr Fax No. (315) 233-8320
Re: In re the Application of: Tomohiko SHIBATA, Yukinori NAKAMURA and
Mitsuhiro TANAKA

Serial No.: 09/997,997

Art Unit: 2834

Date Filed: November 30, 2001

Conf. No. 3908

Title: A SUBSTRATE USABLE FOR AN ACOUSTIC SURFACE WAVE DEVICE, A
METHOD FOR FABRICATING THE SAME SUBSTRATE AND AN ACOUSTIC
SURFACE WAVE DEVICE HAVING THE SAME SUBSTRATE

Our Docket No.: 782_200

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| <u>Paper</u> | <u># of Pages</u> |
|----------------------------------------------|-------------------|
| 1. Response to Restriction Requirement | <u>2</u> |

Total Pages (including cover page)

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Elizabeth A. VanAntwerp

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Tomohiko SHIBATA, Yukinori NAKAMURA and
Mitsuhiro TANAKA

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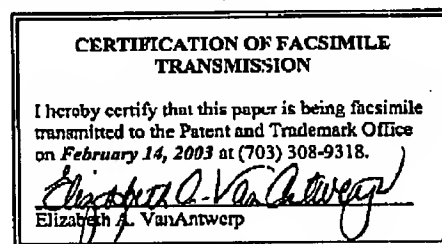
Filed: November 30, 2001

Examiner: Jaydi A. Aguirrechea

Confirmation No.: 3908

For: A SUBSTRATE USABLE FOR AN ACOUSTIC SURFACE WAVE DEVICE, A
METHOD FOR FABRICATING THE SAME SUBSTRATE AND AN ACOUSTIC
SURFACE WAVE DEVICE HAVING THE SAME SUBSTRATE

Assistant Commissioner for Patents
Washington, D.C. 20231



RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed February 7, 2003, applicants hereby
provisionally elect, with traverse, to prosecute the claims of Group I (claims 1, 2, 6 and 7) in
this application.

However, applicants respectfully traverse the restriction requirement since the subject
matter of claims 1 - 7 is sufficiently related that a thorough and complete search for the
subject matter of the elected claims would necessarily encompass a thorough and complete
search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that
search and examination of the entire application could be made without serious burden. See
MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire

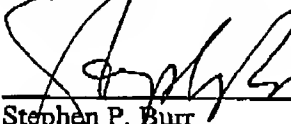
application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to applicants and improper duplicative examination by the Patent Office.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

February 14, 2003
Date

Respectfully submitted,


Stephen P. Burr
Reg. No. 32,970

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